

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

James F. Hurst (*Admitted Pro Hac Vice*)
David J. Doyle (*Admitted Pro Hac Vice*)
Samuel S. Park (*Admitted Pro Hac Vice*)
Stephanie S. McCallum (*Admitted Pro Hac Vice*)
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601-9703
Telephone: 312-558-5600
Facsimile: 312-558-5700
Email: jhurst@winston.com;
ddoyle@winston.com;
spark@winston.com; smccallum@winston.com

Nicole M. Norris (SBN 222785)
WINSTON & STRAWN LLP
101 California Street, Suite 3900
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: nnorris@winston.com

Charles B. Klein (*Admitted Pro Hac Vice*)
Mathew A. Campbell (*Admitted Pro Hac Vice*)
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20007
Telephone: 202-282-5000
Facsimile: 202-282-5100
Email: cklein@winston.com

Jeffrey I. Weinberger (SBN 56214)
David M. Rosenzweig (SBN 176272)
Grant A. Davis-Denny (SBN 229335)
MUNGER, TOLLES & OLSON LLP
355 Grand Avenue
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702
Email: jeffrey.weinberger@mto.com;
david.rosenzweig@mto.com;
grant.davis-denny@mto.com

Michelle Friedland (SBN 234124)
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077
Email: michelle.friedland@mto.com

Attorneys for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SMITHKLINE BEECHAM CORPORATION)
d/b/a GLAXOSMITHKLINE,)

Plaintiff,)

v.)

ABBOTT LABORATORIES,)

Defendant.)

Case No. C07-5702 (CW)
(Consolidated Cases)

Related per November 19, 2007 Order to
Case No. C04-1511 (CW)

**STIPULATION EXTENDING MOTION
TO COMPEL DEADLINE**

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception
2 of certain issues for which this Court—in its February 25, 2009 Order (*see* Dkt. 130)—extended the
3 discovery deadline to March 13, 2009;

4 WHEREAS, the current deadline for the parties to seek relief from the Court on all discovery
5 issues not subject to the above-referenced Order is March 10, 2009;

6 WHEREAS, the parties have worked diligently to complete fact discovery, but several issues
7 have yet to be fully resolved;

8 WHEREAS, a modest extension of the deadline for requesting relief from the Court on these
9 discrete issues will hopefully allow the parties to resolve any disagreements without being forced to
10 seek this Court's intervention;

11 WHEREAS, an extension will not affect the other scheduled dates previously set by this
12 Court (including expert discovery, summary judgment, and trial).

13 **IT IS HEREBY STIPULATED AND AGREED:**

14 1. Abbott and GSK have identified potential deficiencies related to each parties'
15 production of documents as set forth in the enumerated topics contained in Joshua Y. Karp's March
16 10, 2009 letter and Michael Bhargava's March 10, 2009 letter. In addition, Abbott has requested, and
17 GSK has agreed to produce, the Expert Report of Joel W. Hay, Ph.D., dated August 19, 2005, and
18 the Supplemental Expert Report of Joel W. Hay, Ph.D., dated August 29, 2005, from prior litigation
19 between GSK and AIDS Health Foundation (AHF) once AHF completes its redaction of those
20 documents.

21 2. The parties will attempt to resolve the issues identified in the above paragraph by
22 March 16, 2009, and the deadline to seek relief from the Court on these issues shall be extended to
23 March 20, 2009. Any motion to compel or motion for a protective order on these issues should be
24 initially filed in the form of a 2-page letter brief before Judge Zimmerman on or before March 20,
25 2009.

26 3. Nothing in this stipulation shall expand the parties' rights to seek relief by this Court
27 on any discovery issue beyond March 10, 2009, except as set forth herein or in the Court's February
28 25, 2009 Order.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2
3 /s/ Trevor Stockinger

4 Trevor Stockinger
5 IRELL & MANELLA
6 1800 Avenue of the Stars
7 Suite 900
8 Los Angeles, CA 90067-4276
9 Attorney for GSK

/s/ Stephanie S. McCallum

Stephanie S. McCallum
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20007
Attorneys for Defendant Abbott
Laboratories

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 **3/13/09**

12 Dated: _____

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14 _____
15 Judge Claudia Wilken
16 United States District Court
17 Northern District of California
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GENERAL ORDER 45 ATTESTATION

I, Stephanie S. McCallum, am the ECF User whose ID and password was used to file this STIPULATION EXTENDING MOTION TO COMPEL DEADLINE. In compliance with General Order 45, X.B., I hereby attest that the above counsel, counsel for Plaintiffs, concurred in this filing.

Dated: March 10, 2009

/s/ Stephanie S. McCallum

Stephanie S. McCallum
WINSTON & STRAWN LLP
Counsel for Defendant

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802